

NUMBER: 1100-06

FILE#

DATE

HISTORY

DATE:

September 10, 1991

75305

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02/06/2018

DEPARTMENT: EXECUTIVE

SUBJECT: PUBLIC ART AND MEMORIALS

PURPOSE: To establish criteria and procedures for "Public Art," including acceptance of art and memorials to be City-owned, consideration of artistic enhancements of public infrastructure to include "Street Art", consideration of temporary art exhibitions or displays on public property (e.g., ArtPrize and Festival of the Arts) and consideration of murals on exterior walls of privately-owned buildings viewable from public rights-of-way.

POLICY:

- 1. The City Commission encourages high quality art accessible to public view and enjoyment on City-owned and privately-owned property. This includes not only traditional public art like City-owned monuments and displays, but also art on private property that is visible to the public and "street art" that is integrated into the urban landscape within public rights-of-way, temporary art exhibitions or displays on public property (e.g., ArtPrize and Festival of the Arts), and murals on building exteriors that are visible from public rights-of-way.
- 2. Public Art enhances the City's visual and cultural aesthetics. But if inappropriately placed, produced with inadequate materials, improperly maintained, or including features or elements incompatible with its setting, Public Art can also impair the public health, safety and welfare or vitiate visual and cultural aesthetics.
- 3. The City Commission believes that decisions about acceptance, placement, materials, maintenance, and other aspects of Public Art are best addressed by the City Manager in consultation with City staff and departments and such outside experts as the City Manager deems appropriate to make decisions consistent with criteria in this policy.

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- 4. Memorials to be erected on City-owned property shall be in remembrance of a person or persons, concept, or event that has positive meaningful significance to the Grand Rapids community as a whole.
- 5. The proposed placement of art, memorials and related gifts at Monument Park and Veteran's Memorial Park is subject to an additional City Commission Policy.
- 6. City acceptance of ownership and long-term (i.e., more than a few weeks) placement of gifts of works of Public Art and memorials shall be subject to the following criteria:
 - a. The work supports a high standard of visual aesthetics on public property.
 - b. The materials used in, placement of, and financial arrangements for the work shall minimize the cost and any detrimental impact upon City operations which may result from accepting, placing, and maintaining the work.
 - c. The work shall be placed and maintained in a way that (i) preserves the primary intended use and (ii) does not detrimentally affect the character of the public space inf which it is placed.
 - d. It is the City's policy to avert the intrusion of political, religious, or commercial displays into parks and other public property.
 - e. To the extent reasonably practicable, the work should be accessible to all persons.
 - f. The work and its placement shall not endanger the public health, safety, or welfare. Specifically it shall:
 - (i) be structurally sound and durable enough to withstand the elements and other conditions to which it may be subjected;
 - (ii) not adversely affect nearby utilities, facilities, or infrastructure;
 - (iii) not impair pedestrian, bicycle, or vehicular traffic safety; and
 - (iv) not adversely affect the physical conditions of the site on which the piece is located by causing erosion, corrosion, hazardous runoff, unduly increase maintenance costs, etc.

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- g. The work or its display shall comply with all other applicable laws, rules, regulations, City policies, contractual requirements, and grant requirements, and shall not void or invalidate any warranties or guarantees applicable to City-owned improvements, structures, facilities or equipment.
- 7. The criteria in the preceding item 6 shall also generally apply to decisions about proposed placements of temporary art exhibitions or displays (e.g., ArtPrize, Festival of the Arts, street art) on City rights-of-way and other City property. However, because such exhibitions or displays are temporary strict adherence to all those criteria may not be needed. For example, the durability and arrangements for maintenance are not as significant because the work will be removed at the end of the event. Similarly, because the City is not acquiring and permanently displaying the work, concerns about intrusion of political or religious messages are of a less immediate concern, though the display, even temporarily, of commercial advertising on City rights-of-way and other City property should be avoided.
- 8. Consideration of street art (*i.e.*, adding pictorial, artistic elements, or decorative flourishes to components of City rights-of-way to include sidewalks, crosswalks, intersections, parking spaces, street lighting and traffic signal facilities, utility facilities, pathways, and other public spaces and infrastructure), shall be subject to the following criteria in addition to that listed in Section 6:
 - a. It shall not result in the violation or breach of any federal or state laws, guidance, interpretations, letters, and regulations including, but not limited to, the Michigan Manual of Uniform Traffic Control Devices (MMUTCD) and documents from the Federal Highway Administration (FHWA). Compliance with local laws, City codes and policies, rules, guidelines, grants, or contracts shall also be required.
 - b. Displays shall not resemble a type of traffic sign or control device (e.g. arrows, letters/words, numbers); conflict with traffic markings; or be directly proximate to, or interfere with, a traffic control device (e.g. crosswalks).
 - c. Traffic volumes shall be below 4,000 Average Daily Traffic (ADT) for any street or intersection containing a mural.
 - d. The art shall not shorten the useful life of or increase maintenance costs of any equipment, facilities, or other City property, and shall not void or invalidate any warranties or guarantees applicable to City-owned improvements, structures, facilities or equipment.

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- e. The City retains the right to alter, repair, remove or relocate any street art, or authorize said work by others, if deemed necessary for the health and safety of the public, general or emergency maintenance of facilities, construction activities, or any other purpose deemed necessary. Section 10.d. of this Policy shall not apply to street art. The City need not notify the original applicant or any other party when street art will be altered, repaired, removed or relocated.
- 9. Murals may be placed on the exterior of privately-owned buildings on private property that are viewable from public rights-of-way only in accordance with the following criteria:
 - a. Placement shall not be put on buildings or in neighborhoods where it is architecturally inappropriate due to the historic character of the building or neighborhood, the character of the building itself, or the character or buildings in its vicinity.
 - b. The work shall not depict, name, or otherwise present (i) any product or service, (ii) identifying logo for any business, product or service, (iii) any slogan related to any business, product or service, (iv) any person, character or scene related to any business, product or service, (v) any architectural feature related to any business, product or service, or (vi) any other commercial message.
 - c. The work and materials shall comply with all applicable laws, rules and regulations, including all applicable City codes and policies.
 - d. The proposal shall detail the materials to be used, the maintenance needed, and the plans (and, if appropriate, financial assurances) for maintaining or periodically replacing the mural as materials begin to chip, crack, fade or otherwise deteriorate.
 - e. The work and its placement shall not endanger the public health, safety, or welfare. Specifically it shall not be reflecting, contain any moving elements (including any windblown or passively moving elements), include any lights (this is not intended to prevent appropriate exterior lighting of the building) or depict any image that may be unduly distracting to pedestrian or vehicular traffic.
 - f. The mural is not indecent (*i.e.*, it does not include images or language that describe or depict, in a manner patently offensive as measured by contemporary community standards, sexual or excretory activities or organs, including any male or female genitalia or female breasts).

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- g. Murals existing prior to November 1, 2016, are not covered by this policy but remain subject to any agreements regarding them. Murals modified after November 1, 2016, shall comply with this policy.
- 10. Proposals for temporary and permanent placements and for City ownership of Public Art shall be reviewed by the City Manager who shall consult such City staff and outside persons as the City Manager deems necessary or appropriate. The City Manager shall keep written records of proposals and his actions on proposals, including the person(s) consulted regarding proposals and the reasons for the actions taken. The City Manager may give approvals contingent upon the following terms and conditions which shall be agreed upon in writing with the donor.
 - a. The donor assumes responsibility, including any costs, for the installation of the work.
 - b. Except for ArtPrize, ownership of the work, including certain rights under federal law, is relinquished to the City.
 - c. The donor provides any insurance required by the Risk Manager.
 - d. The City retains the right to alter, repair, remove or relocate any piece (including site specific pieces) if the use of the site changes or if deemed necessary for the health and safety of the general public. This right will not be executed capriciously. Should the piece be removed, the City will attempt to return it to the donor or artist if requested and of reasonable cost. If any of the preceding terms and conditions are not acceptable to the donor or artist, the City Commission shall make a final determination of the terms and conditions that will apply.
 - e. Any warranty applicable to the work or its installation shall be in the name of, assigned to, or otherwise be enforceable by the City.
- 11. Financial arrangements or assurances must be made to avoid any lingering adverse impacts and to address any damage to or additional maintenance costs for any affected City property. A security deposit, bond, or other security deemed appropriate by the City Manager may be required.
- 12. The City Manager may deaccess artwork in the City's collection when the City Manager determines it is in the best interest of the City. When considering any deaccession, the City Manager shall consult with the same City staff and outside experts as the City Manager normally consults with for a

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recommendation. The City's sale of any Public Art work shall require the approval of the City Commission.

13. The City Manager may establish and implement procedures and other appropriate measures to implement this policy.

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